# THE RIDGELINE FACILITY

## A Full Investigative Dossier

**Tucker County, West Virginia**

Fundamental Data LLC · WVDEP Permit R13-3713

**What this report contains:** A complete compilation of all verified facts, permit data, legislative history, judicial conflicts, health evidence, land records, and accountability gaps surrounding the proposed 785 MW natural-gas power plant and multi-phase, 10,000-acre data center complex planned between Davis and Thomas, Tucker County, WV. Compiled from WVDEP permit records, WV Air Quality Board filings, WV Intermediate Court of Appeals documents, U.S. Senate correspondence, Harvard School of Public Health research, court filings, and verified press coverage through May 17, 2026.

| | |
|---|---|
| **Report Updated:** | May 17, 2026 |
| **Permit Number:** | R13-3713 (WVDEP Air Quality Construction Permit) |
| **Developer:** | Fundamental Data LLC (Delaware; Purcellville, VA offices) |
| **ICA Cases:** | 26-ICA-92 and 25-ICA-391 (pending) |
| **AQB Case:** | 25-02-AQB (decided Feb. 5, 2026 — permit upheld) |
| **Primary Opponents:** | Tucker United, WV Highlands Conservancy, Sierra Club, Friends of Blackwater |

Compiled for public advocacy and civic accountability. All information sourced from public records, verified press, and official government filings. No proprietary information is reproduced herein.

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# 1. Executive Summary

West Virginia regulators have quietly approved a massive "Ridgeline" power plant and data center project in Tucker County. Fundamental Data LLC's air permit R13-3713 (Phase 1) was issued in August 2025, covering a **785 MW** natural-gas combined-cycle plant with three 10-million-gallon diesel backup tanks. All power is explicitly required to be used on-site, not sold to the grid. The permit imposes strict annual emissions caps (NOx $\leq$ 99.35 tpy, PM $\leq$ 71.44 tpy, VOC $\leq$ 43.84 tpy, total HAPs $\leq$ 9.33 tpy) and requires SCR and CO catalysts on each turbine. However, **most technical details were redacted** as "confidential business information" (CBI), including turbine counts, MW capacity, and plant layout.

Local advocates (Tucker United, WV Highlands Conservancy, Sierra Club, Friends of Blackwater) appealed the permit (AQB case 25-02-AQB), arguing the facility was improperly treated as a synthetic minor source and that omissions violated state and federal law. The WV Air Quality Board upheld the permit on February 5, 2026, adding only extra post-construction stack tests — while simultaneously *admitting in writing* that the "facility's potential to emit pollutants greatly exceeds the limits contained in the permit."

Appeals are now before the WV Intermediate Court of Appeals (ICA cases 26-ICA-92 and 25-ICA-391). Two of three assigned judges have recused themselves due to conflicts of interest traced to WV House Speaker Roger Hanshaw, who authored the deregulatory legislation benefiting this project and is now Fundamental Data's own attorney.

> **The bottom line:** This is not a small project. The Phase 1 permit covers what would be the 3rd or 4th largest power plant in West Virginia history, sited in the headwaters of the Blackwater River watershed, adjacent to Dolly Sods Wilderness and Canaan Valley. The permit was issued with minimal public vetting, critical data hidden, no dispersion modeling, no water withdrawal analysis, and a source classification that the approving board itself doubted. The legal fight is not over.

# 2. The Project

## 2.1. Developer Identity and Corporate Structure

Fundamental Data LLC is incorporated in **Delaware** with offices in Purcellville, Virginia. The company's public website consists of a corporate logo and an automated chatbot. Casey Chapman is listed as the "responsible official" on the permit application. In an April 2025 interview, Chapman:

- Declined to give his own title or role
- Described Fundamental Data's business as "essentially power development"
- Said the power would be used for a purpose "to be determined"
- Said it was "premature" to discuss job creation

The company **only publicly confirmed a data center** as the end use after the *Wall Street Journal* reported on the project. The company's true ownership structure, investors, and ultimate data center customers remain undisclosed to the public. The deep research dossier identifies Fundamental Data as a $50M VC-backed company; specific investor identities have not been publicly confirmed.

### 2.2. The Land: Western Pocahontas Properties

> **Key hidden connection:** State property records indicate the proposed Phase 1 site is on land that was owned by **Western Pocahontas Properties**, the largest private landowner in Tucker County (owns approximately 38,000 acres in Tucker County alone).
>
> In **July 2024**, Western Pocahontas signed a purchase-sale agreement to sell the parcel to Fundamental Data. Just **three months later**, in October 2024, Western Pocahontas made two public presentations in Thomas and Davis outlining sweeping plans for housing, trails, recreation, and environmentally sensitive development — with *zero mention* of the data center or power plant deal already signed.
>
> Company representatives did not return calls for comment when the story broke.

Western Pocahontas Properties has received:

- $25 million federal Abandoned Mine Economic Revitalization award (2023)
- $25 million state of West Virginia award (2022) for housing development in Tucker and Grant Counties
- Greatly reduced property tax rates for managed timberland

The company received tens of millions in public funds while simultaneously negotiating a land deal for an industrial power plant it did not disclose to the community that provided public input into its development plans.

### 2.3. Permit Overview

| Item | Detail |
|---|---|
| Permit # | R13-3713 |
| Application Filed | March 18, 2025 |
| Final Permit Issued | August 15, 2025 |
| Permitted Capacity (Gas) | 5,649.6 MMBtu/hr (≈785 MW net; ≈1.65 $GW_{th}$) |
| Permitted Capacity (Diesel) | 4,503.4 MMBtu/hr (backup only) |
| Primary Fuel | Natural gas (pipeline fed) |
| Backup Fuel | Diesel — see Section 2.5 |
| Technology | Combined-cycle gas turbines with HRSGs, SCR NOx controls, CO oxidation catalysts |
| Site | ≈500 acres between Davis & Thomas; adjacent Tucker County Landfill |
| Coordinates | ≈39.1536°N, 79.4664°W |
| Elevation | ≈3,200 ft (used as cooling advantage) |
| Grid Sales | None — all power for on-site data centers |
| Source Classification | Synthetic Minor (disputed) |

### 2.4. Permitted Emissions (Annual Caps)

| Pollutant | Cap (tpy) | Major-Source Threshold |
|---|---|---|
| NOx | 99.35 | 100 tpy |
| $PM_{2.5}$ | 71.44 | 100 tpy |
| $SO_2$ | 58.89 | 100 tpy |
| VOC | 43.84 | 100 tpy |
| Total HAPs | 9.33 | 10 tpy (single HAP) / 25 tpy (combined) |

Every single pollutant cap sits just below the threshold that would trigger major-source review. This is not coincidence — it is the design of the "synthetic minor" classification strategy.

### 2.5. Diesel Backup: The Full Picture

Three above-ground ultra-low-sulfur diesel (ULSD) tanks, each **10 million gallons** working volume (66 feet tall, 180 feet in diameter), feed backup diesel turbines. The permit caps diesel *throughput* at **15,000,000 gallons per year**.

**What does 15 million gallons per year mean operationally?**

- At full diesel burn rate (≈32,872 gal/hr), 15M gal/yr = **456 hours of operation per year**
- That is 19 full days of diesel operation annually — permitted
- This is *not* emergency backup; it is industrial-scale diesel combustion

**Truck delivery analysis** (from permit documents):

| Capacity Usage Scenario | Trucks/Year | Trucks/Day (avg) | Notes |
|---|---|---|---|
| 5% diesel usage | 2,308 | 6.3 | "Emergency only" |
| 28.5% diesel usage | 12,600 | 34.5 | Medium scenario |
| 70% diesel usage | 30,925 | 84.7 | Near-maximum |

Each delivery truck carries approximately 6,500 gallons. The permit imposes **no separate limits** on diesel truck emissions, road impacts, or unloading vapor losses. WVDEP characterized these as "small" losses.

> **The "third tank" revelation (May 2026):** At the community meeting, Fundamental Data disclosed for the first time that *only two* tanks store diesel. The third is for "environmental protection in case there was a leak" — a containment/overflow tank. This means actual diesel storage capacity is approximately 20 million gallons, not 30 million. This was never clarified in any regulatory filing. The public has been operating with an incorrect number for over a year.

### 2.6. The Full Scope: A Project in Three Phases

The air quality permit covers only Phase 1. The full project, as disclosed piecemeal and finally partially revealed at the May 16, 2026 community meeting, is:

| Phase | Disclosed Content | Notes |
|---|---|---|
| Phase 1 | 785 MW natural gas power plant + data centers | Subject of permit R13-3713; only part reviewed publicly |
| Phase 2 | Potential second natural gas power plant | Not permitted; not reviewed |
| Phase 3 | Potential nuclear power plant | "Actively being considered" per company letter, Mar. 2026 |
| Solar | ≈1.3 GW solar field (6,500–9,000 acres) | Revealed March 28, 2026 — absent from all prior regulatory filings |
| Total Footprint | 10,000 acres (non-contiguous, Tucker & Grant Counties) | 1,500 ac data centers; 300 ac power gen; 8,200 ac undisclosed |

> **Fundamental Data's own letter, March 2026:**
> *"Ridgeline is not a modest project, and it was never conceived as one."*

This directly contradicts the piecemeal disclosure strategy employed from March 2025 onward, in which residents were only able to evaluate a single-phase permit while the company was privately planning a decade-scale, multi-gigawatt industrial complex.

## 3. The Regulatory Fight

### 3.1. The "Synthetic Minor" Classification: The Core Controversy

The most consequential regulatory decision was WVDEP's classification of the Ridgeline Facility as a **synthetic minor source** rather than a "major source" under the Clean Air Act's New Source Review (NSR) program.

**What this classification means:**

- No mandatory Prevention of Significant Deterioration (PSD) review
- No air dispersion modeling required
- No Federal Land Manager consultation — required for proximity to Class I areas like Dolly Sods Wilderness and Canaan Valley National Wildlife Refuge (10–15 miles from site)
- Less stringent continuous monitoring

- Less public transparency in permitting
- No Title V operating permit required for the data center (threshold: 10 MW)

**The engineering problem:**

Independent expert Dr. Ron Sahu, a mechanical engineer and air pollution specialist who testified at the AQB hearing, demonstrated that:

- Emission factor uncertainties run 20–100% for facilities of this type
- Manufacturer emission estimates (the basis for Fundamental Data's application) represent *upper limits* for minor-source permit purposes
- A 24/7 data center requires near-continuous power — the plant cannot realistically run at 27.5% capacity (the level required to keep NOx under 99.35 tpy)
- For CO limits to hold, the plant would need to run at only 11.5% capacity

> **Dr. Ron Sahu, expert witness, December 2025:**
> *"You are pretending here that you can actually demonstrate that you will be below the major source threshold, even on the best of times, even if you have continuous monitoring. And here you don't even have that. You're truly flying blind."*

**The board's own words:** In its February 5, 2026 decision upholding the permit, the WV Air Quality Board wrote:

> *"This facility's potential to emit pollutants **greatly exceeds** the limits contained in the permit."*
> — WV Air Quality Board, written decision, February 5, 2026

The board approved the permit anyway. Its "solution": require stack testing after the facility is built and operational. By that point, the capital investment is locked in, jobs arguments are established, and shutting down becomes politically and economically untenable.

### 3.2. Redactions: What the Public Cannot See

The following categories of information were redacted from the public permit application as "trade secrets" / CBI:

- Turbine make, model, and specifications
- Number of turbines and plant configuration
- Emissions unit summaries and emission factors

- Process and instrumentation diagrams (P&IDs)
- Site layout and engineering detail
- Permit Attachment N (emissions calculations)

Comparable permit applications for similar facilities in West Virginia were not redacted to this degree.

At the May 2026 meeting, Lewis Reynolds defended the redactions: *"It has to do with how many turbines we have, how we're running them. We don't want to show our competition all the details about how we're keeping the power on 24/7."*

This rationale is legally dubious. Under West Virginia and federal air quality law, emissions data is information the *public* has a right to in order to evaluate health impacts. Commercial competitive interest does not override the public's right to know about pollution.

### 3.3. No Air Dispersion Modeling

WVDEP declined to require air dispersion modeling, calling it "resource intensive" and citing the minor-source designation as the justification. Consequences:

- Nobody has officially modeled where Ridgeline's pollution will travel
- The Harvard Dominici Lab *did* independently model it (see Section 4): over **250,000 people** exposed to increased $PM_{2.5}$ across Tucker, Grant, and surrounding counties
- Dolly Sods Wilderness, one of the most pristine areas in the eastern United States, is 10–15 miles from the site; under major-source rules, a Federal Land Manager review of impacts on this Class I area would be *mandatory*
- Canaan Valley National Wildlife Refuge and Canaan Valley Resort State Park are similarly proximate
- Community concerns about "smog and haze trapped in inversions" in the Dolly Sods/Canaan bowl have gone unmodeled and unaddressed

### 3.4. Water Use: An Undisclosed Risk

The permit application mentions a "water pump house" and well-water storage tanks. Large data centers with cooling towers can use **millions of gallons per day**.

- **No separate water withdrawal permit** has been publicly filed with WVDNR or WVDEP

- **No aquifer study, water budget, or downstream impact analysis** has been made public
- At the May 2026 meeting, Reynolds said the "closed loop system" would "not affect the aquifers," but *declined to name the original water source*
- The permit notes "no wastewater treatment" on-site
- The site sits in the **Blackwater River headwaters** — a sensitive highland watershed adjacent to Blackwater Falls State Park

This is a critical gap for a community dependent on well water and a watershed providing drinking water and ecological services across multiple counties.

## 4. The Health Evidence

### 4.1. Harvard Dominici Lab Study (January 2026)

A study commissioned by Tucker United and conducted by the **Harvard T.H. Chan School of Public Health's Dominici Lab** — a leading academic institution in air pollution health research — using the EPA's COBRA (CO-Benefits Risk Assessment) screening model found:

| Health Impact | Estimate |
|---|---|
| Premature deaths per year | 1.2 – 2.3 |
| Annual mortality cost | $18M – $33M |
| Non-fatal heart attacks, asthma, hospitalizations | +$1M – $2M/yr |
| People exposed to increased $PM_{2.5}$ | 250,000+ |
| **Total annual health damage estimate** | **$19M – $35M/year** |

The COBRA model uses EPA-validated air dispersion and epidemiological methodology. The same model is used by the U.S. EPA itself for regulatory impact analysis.

### 4.2. The Company's Response

Fundamental Data's Scott Wyland: *"That report would never be admissible in court. It just doesn't meet the scientific standards of a proper analysis."*

Lewis Reynolds: *"I think these reports are silly. There are power plants all over the country that are less efficient. We're just a drop in the bucket."*

Neither representative offered any counter-analysis. The company has commissioned no independent health impact study of its own.

## 5. The Political Dimension

### 5.1. HB 2014: The Law That Cleared the Path

On **March 18, 2025** — the *same day* Fundamental Data filed its permit application — HB 2014 (the "Power Generation and Consumption Act") was introduced in the WV House of Delegates by Speaker Roger Hanshaw. The bill passed 88–12 and was signed by Governor Morrisey. It took effect July 11, 2025.

Key effects:

- Overrides local zoning for state-certified data center and microgrid projects
- Redirects **70% of local property tax revenue** from certified data centers to the state; only 30% stays in the county
- Creates expedited regulatory certification through the Department of Commerce
- Established the WV Data Economy Office as the state's single contact for the industry
- 2026 session: Hanshaw voted *against* amendments that would have added water use limits, increased reporting requirements, and returned some zoning authority to local governments

*Note:* Tucker County has no local zoning ordinance, so HB 2014 would not have changed the legal path for this specific project. Lewis Reynolds acknowledged this. However, HB 2014 sets precedent eliminating local control statewide and directed tax revenue away from impacted communities.

### 5.2. Roger Hanshaw: Speaker, Legislator, and Fundamental Data's Attorney

> WV House Speaker Roger Hanshaw (R-Clay) authored the deregulatory legislation that benefits data center developers across West Virginia — and is now acting as Fundamental Data's own courtroom attorney.

**Documented timeline:**

- **2025 session:** Hanshaw shepherds HB 2014 to passage, removing local oversight of data centers

- **2026 session:** Hanshaw votes against consumer-protection amendments to data center law
- **March 14, 2026:** 2026 WV legislative session ends
- **March 16, 2026:** Two days later, Hanshaw files notice of appearance at the ICA representing Fundamental Data (via Bowles Rice LLP)
- **February 12, 2026:** (Mid-session) Hanshaw *already* representing a second data center developer in Mason County at the AQB

**Expert ethics assessment:**

Craig Holman, Public Citizen: *"Hanshaw's conflicting work for private interests while simultaneously shaping public policies that benefit those private interests as well as himself is* ***unethical****, though not illegal under West Virginia laws."*

Tucker United spokesperson Nikki Forrester: *"He was the architect of HB 2014, which took away local control in data center developments. Hanshaw's counsel of Fundamental Data makes it crystal clear that he values out-of-state developers over his own constituents."*

Community groups in both Tucker County and Mason County have stated they intend to file ethics complaints with the WV Ethics Commission.

### 5.3. Judicial Crisis: The ICA Recusal Cascade

Tucker United, WVHC, and the Sierra Club filed their ICA appeal on March 6, 2026 (case 26-ICA-92). The panel assigned included Chief Judge Dan Greear and Judge Charles Lorensen.

#### 5.3.1. Judge Charles Lorensen

Recused because his son, **William Lorensen**, is one of the Bowles Rice attorneys representing Fundamental Data. Recusal extended to the related permit-redaction appeal (case 25-ICA-391).

#### 5.3.2. Chief Judge Dan Greear

Multiple conflict threads:

- Greear's son worked as a summer associate at Bowles Rice in summers 2024 and 2025; set to begin full-time Bowles Rice employment fall 2026
- One of Greear's law clerks is married to Fundamental Data attorney William Lorensen

- Hanshaw co-hosted and sponsored multiple fundraising events for Greear's ICA campaign, generating over **$59,000 in contributions**
- Hanshaw spoke at a May 2025 fundraiser for Greear at Charleston's DT Prime steakhouse
- A $300 contribution came from Sen. Eric Tarr, who supported Hanshaw's HB 2014

Greear initially stated there was "no basis for his disqualification." After press coverage and formal motions from environmental groups, he wrote to WV Supreme Court Chief Justice Haley Bunn on April 20, 2026 requesting voluntary recusal from the Fundamental Data case. On April 30, he extended the recusal request to the permit-redaction case.

**Result:** Two of three assigned ICA judges have now recused from Ridgeline-related cases. Fundamental Data has filed a motion seeking the WV Supreme Court to take the case directly. The outcome of this jurisdictional motion could determine whether the full Supreme Court — or a reconstituted ICA panel — hears the appeal.

### 5.4. Governor Morrisey and State Administration

Governor Patrick Morrisey signed HB 2014 and is a strong public advocate for data center development in West Virginia. His administration released a document titled *"Intelligence Centers: Fact vs. Fiction"* to counter community concerns.

However:

- At a public event in Keyser where Tucker County opponents specifically traveled to raise the issue, Morrisey made *no mention of the Ridgeline project from the stage*
- In a hallway interview he said only: *"We're of course going to engage with the people of Tucker County"*
- In April 2026, the Department of Commerce **mistakenly identified a Tucker United opposition letter as a certification application from Fundamental Data** — suggesting the administration is not carefully tracking the actual regulatory record for this project

Davis Mayor Al Tomson, a project opponent: *"It is surprising to see the federal government show more interest and inquiry regarding the Ridgeline power plant than the state of West Virginia."*

### 5.5. U.S. Senate Inquiry (March 2026)

Three U.S. Senators — Sheldon Whitehouse (D-RI), Martin Heinrich (D-NM), and Chris Van Hollen (D-MD) — sent a formal letter to Fundamental Data in March 2026 as part of a

broader national probe of data center environmental impacts. The letter characterized the project as a 1.65 GW facility emitting "thousands of tons" of pollutants and "millions of tons" of $CO_2$ annually.

Fundamental Data replied on March 27, 2026, defending the permit limits and controls.

## 6. Company Claims vs. The Record

| Company Claim | What the Record Shows |
|---|---|
| "The redactions don't hide any emissions information" (Reynolds, May 2026) | Emissions unit summaries, emission factors, turbine specs, and P&IDs are all redacted |
| "It's essentially power development" (Chapman, Apr. 2025) | Company only confirmed data center use after WSJ reporting; true end-users still undisclosed |
| "Solar was always part of the plan" (company letter, Mar. 2026) | Solar mentioned for the first time March 28, 2026 — over a year after permit filing; absent from all regulatory filings |
| "We don't expect to affect the aquifers in this area whatsoever" (Reynolds) | No water study filed; no water withdrawal permit; water source undisclosed |
| "These health reports are silly. We're just a drop in the bucket" (Reynolds) | Harvard School of Public Health: $19M–$35M annual health damages; 1.2–2.3 deaths/yr |
| "What matters most is the limits the permit sets. These are the protections that matter" (Chapman) | The AQB itself wrote that the "facility's potential to emit greatly exceeds the limits" |
| "We are integrating renewables into this project by design, not as an afterthought" (company letter) | No renewables permit filed, no renewable component in Phase 1 permit |

| Company Claim | What the Record Shows |
|---|---|
| "Ridgeline is designed to serve West Virginia first" (company statement, Feb. 2026) | Developer is a Delaware company with Virginia offices; ultimate data center customers undisclosed; 70% of tax revenue goes to state, not county |
| "I will confess we probably should have come sooner" (Reynolds, May 2026) | First public community appearance was *14 months* after permit filing |
| Only backup diesel | Permit allows 15M gal/yr = 456 hrs/yr diesel operation; natural gas plants average 30% annual downtime for maintenance nationally |

## 7. Community Voices

> **Claire Anderson**, Davis resident, May 2026 community meeting:
> *"We are not billionaires, but our lives are infinitely valuable. There's no price to our lives and to our health. We all came here or are from here to get away from the ill effects of extractive corporations and health erosion from pollutants. We implore you to move on."*

> **Matt Hauger**, Thomas resident, May 2026 community meeting:
> *"You fault us for not having the facts. Do you think one of the reasons for that is you have been so opaque with this community? That you haven't shown up here to talk to us about it until a year after we learned about it?"*

> **Jim Kotcon**, Sierra Club WV Conservation Chair:
> *"Fundamental Data is proposing to build one of the largest power plants in West Virginia, but wants its air pollution to be regulated as a minor source. It defies common sense to claim such a large source of pollution is a 'minor source,' yet the WVDEP and the Air Quality Board accepted that decision. Locating such a facility next to Canaan Valley and Dolly Sods is simply not appropriate."*

> **Amy Margolies**, Executive Director, Tucker United:
> *"The board failed to protect the health and well-being of West Virginians, opting instead to favor the interests of out-of-state developers."*

> **Olivia Miller**, WV Highlands Conservancy:
> *"From the start, the project has raised a lot of concerns — not just because of its potential pollution and size, but also because of how little the public has been allowed to know about it. Ultimately, this is about the larger potential data center build-out across the state. This will set a terrible precedent, not just for Tucker County, but for communities all across West Virginia."*

> **Dr. Ron Sahu**, Air Pollution Expert, AQB Testimony:
> *"If you're an air pollution practitioner, you know that the uncertainty in these emission estimates can be 20%, 30%, 40%, 50%, 100% — not slivers of 1%."*

## 8. Complete Timeline of Key Events

| Date | Event |
|---|---|
| **Jul 19, 2024** | Western Pocahontas Properties signs purchase-sale agreement to sell land to Fundamental Data (per regulatory filings) |
| **Oct 22–23, 2024** | Western Pocahontas makes public presentations in Thomas and Davis pledging environmentally conscious development — *no mention of land sale to Fundamental Data* |
| **Mar 18, 2025** | HB 2014 introduced in WV House of Delegates (same day as permit filing) |
| **Mar 18, 2025** | Fundamental Data files permit application R13-3713 with WVDEP |
| **Late Mar 2025** | HB 2014 passes 88–12; signed by Governor Morrisey |
| **Apr 2, 2025** | Country Roads News breaks the story; Casey Chapman declines to confirm data center use; Wall Street Journal subsequently confirms it |
| **Jun 2025** | Tucker United formed; grassroots opposition begins organizing |
| **Jun 10, 2025** | Tucker United, WVHC, Sierra Club file formal appeal of draft permit |

| Date | Event |
|---|---|
| **Jun 17, 2025** | WVDEP engineering evaluation completed |
| **Jun 2025** | Draft Permit issued for public comment |
| **Jul 11, 2025** | HB 2014 takes effect |
| **Jul 17, 2025** | WVDEP virtual/in-person public meeting (Davis/Thomas area) |
| **Jul 18, 2025** | Public comment period closes — 1,605 written comments, mostly opposed; 18 oral |
| **Aug 13, 2025** | WVDEP Final Determination issued |
| **Aug 15, 2025** | Final Permit R13-3713 issued |
| **Oct 15, 2025** | WV Air Quality Board public hearing on appeal |
| **Nov 5, 2025** | AQB evidentiary hearing begins |
| **Dec 3, 2025** | AQB evidentiary hearing ends; Dr. Sahu testimony |
| **Jan 2026** | Harvard Dominici Lab health study released: $19M–$35M annual damages, 250,000+ exposed |
| **Feb 5, 2026** | WV Air Quality Board denies appeal; admits facility "potential to emit greatly exceeds limits"; requires post-construction stack testing |
| **Feb 12, 2026** | (Mid-session) Hanshaw files appearance for Mason County data center client |
| **Mar 6, 2026** | Tucker United, WVHC, Friends of Blackwater file ICA appeal (case 26-ICA-92) |
| **Mar 13, 2026** | Senate EPW letter (Whitehouse, Heinrich, Van Hollen) to Fundamental Data |
| **Mar 14, 2026** | 2026 WV legislative session ends |
| **Mar 16, 2026** | Hanshaw files ICA appearance for Fundamental Data (Bowles Rice) — 2 days after session |
| **Mar 18, 2026** | ICA discloses Judge Lorensen conflict (son at Bowles Rice) |
| **Mar 20, 2026** | Country Roads News: "WV House Speaker Hired to Represent Fundamental Data" |

| Date | Event |
|---|---|
| **Mar 26, 2026** | Fundamental Data files motion seeking WV Supreme Court jurisdiction |
| **Mar 27, 2026** | Fundamental Data's reply letter to Senate EPW |
| **Mar 28, 2026** | Fundamental Data letter reveals 1.3 GW solar field plans; confirms nuclear "actively being considered" |
| **Apr 2–3, 2026** | WV state reveals it mistook Tucker United opposition letter for a Fundamental Data certification application |
| **Apr 14, 2026** | Governor Morrisey promises to "engage" with Tucker County at Keyser event; does not raise issue from stage |
| **Apr 20, 2026** | Chief Judge Greear requests voluntary recusal from Fundamental Data ICA case |
| **Apr 21, 2026** | Environmental groups file formal Greear disqualification motion |
| **Apr 23, 2026** | Environmental groups seek Greear recusal in permit-redaction case (25-ICA-391) |
| **Apr 30, 2026** | Greear requests recusal from both cases; Lorensen recusal extended to second case |
| **May 16, 2026** | *First* Fundamental Data public community appearance (Davis fire hall) — 14 months after permit filing; 10,000-acre plan, nuclear, 3-phase structure revealed |
| **May 17, 2026** | Country Roads News community meeting coverage published; this report updated |

## 9. Key Documents and Sources

| Document | Date | Key Facts / Notes |
|---|---|---|
| WVDEP Permit Application R13-3713 | Mar 18, 2025 | Filed same day as HB 2014; heavy CBI redactions; land P&S agreement Jul 2024 claimed |
| WVDEP Draft Permit R13-3713 | Jun 2025 | Basis for 1,605 public comments |

| Document | Date | Key Facts / Notes |
|---|---|---|
| WVDEP Final Permit R13-3713 | Aug 15, 2025 | 5,649.6 MMBtu/hr gas; 4,503.4 diesel; SCR/HRSG; synthetic minor designation |
| WVDEP Final Determination | Aug 13, 2025 | 1,605 written comments; added formaldehyde limits, hourly fuel/output monitoring |
| WVDEP Response to Comments | Sept 2025 | Confirms minor status; addresses diesel, land, redactions |
| Citizen Appeal (Tucker United et al.) | Jun 10, 2025 | Challenges minor-source status, redactions, transparency; AQB case 25-02-AQB |
| AQB Evidentiary Hearing (2 days) | Nov–Dec 2025 | Dr. Sahu testimony; Conservancy: permit issued without basic info |
| WV AQB Final Order | Feb 5, 2026 | Denied appeal; admitted emissions "greatly exceed" limits; required stack testing |
| Harvard/Dominici Lab Study | Jan 2026 | $19M–$35M annual damages; 1.2–2.3 deaths/yr; 250,000+ exposed |
| Senate EPW Letter | Mar 13, 2026 | Whitehouse, Heinrich, Van Hollen inquiry; cites "millions of tons" $CO_2$ |
| Fundamental Data Senate Reply | Mar 27, 2026 | Defends permit limits; confirms emission caps; disputes Senate figures |
| Fundamental Data Solar Letter | Mar 28, 2026 | 1.3 GW solar (6,500–9,000 ac); nuclear "actively considered"; first mention of renewables |
| Hanshaw ICA Filing | Mar 16, 2026 | Speaker's firm represents Fundamental Data; filed 2 days after legislative session |
| ICA Recusal Filings (Lorensen, Greear) | Apr 2026 | Two of three judges step aside; Bowles Rice / Hanshaw ties |
| Country Roads News — Community Meeting | May 17, 2026 | First company appearance in Tucker County; 10,000 acres, 3 phases, 2 diesel tanks disclosed |
| Tucker Transparency Investigation | Ongoing | Reverse-engineered: plant must run at 27.5% capacity for NOx to hold; tuckertransparency.org |

| Document | Date | Key Facts / Notes |
|---|---|---|
| Governor's "Fact vs. Fiction" sheet | Mar 2026 | State counter-narrative; admin later misidentified opposition letter as permit application |

## 10. Open Questions and Accountability Next Steps

### 10.1. Legal Actions

- **ICA appeal (26-ICA-92 and 25-ICA-391):** With two judges recused, the court must seat replacements or the WV Supreme Court may take the cases directly. Central questions: must redacted data be released? Was the minor-source designation valid?
- **Ethics complaints:** Tucker County and Mason County groups intend to file WV Ethics Commission complaints regarding Hanshaw. The 60-day pre-election bar may have passed; verify timing before filing.
- **Judicial Inquiry Commission:** Document and file with the WV Supreme Court's Judicial Inquiry Commission regarding the Greear campaign finance connections.
- **EPA Region 3:** File formal complaint on PSD avoidance and potential Title V avoidance. Include maps of Dolly Sods and Canaan Valley proximity. EPA may issue a Section 126 petition or enforce NSR rules. Request an EPA determination on whether the minor-source designation is correct given the facility's scale and its proximity to Class I areas.
- **Federal court:** If state processes fail, consult air permitting attorney on a Section 306 federal appeal (Clean Air Act).

### 10.2. FOIA and Records Requests

- **WVDEP FOIA:** Request complete permit applications Attachments A–N (unredacted); emissions calculations; any EPA correspondence on PSD/NSR applicability; all water withdrawal permit filings for the Ridgeline site

- **Tucker County deed records:** Verify Fundamental Data's purchase-sale agreement and any recorded deeds for Phase 1 and potential Phase 2/3 land parcels
- **Grant County records:** Search for any recorded land interests, easements, or permits covering the multi-county footprint
- **WV Ethics Commission:** Request any filings or disclosures by Roger Hanshaw regarding data center clients during the legislative sessions in which he voted on data center law
- **FERC/PJM interconnection filings:** Search for "Ridgeline" or "Fundamental Data" in FERC interconnection queues to assess grid impact

### 10.3. Technical Review Needed

- **Major-source threshold:** Commission an independent licensed professional engineer to verify whether actual operating emissions exceed 100 tpy for NOx given 24/7 data center load profile
- **Air dispersion modeling:** Expand the Harvard Dominici Lab modeling using site-specific terrain, elevation, and meteorological data for the Blackwater/Dolly Sods bowl
- **Diesel combustion hours:** With natural gas plants averaging 30% annual downtime nationally, calculate realistic diesel emissions for a 24/7 facility during maintenance periods
- **Water withdrawal:** Hire a hydrologist to model potential water use and aquifer impacts in the Blackwater River headwaters; submit findings to WVDEP and WVDNR
- **Truck traffic:** Organize a citizen monitoring initiative on US-48 to track actual diesel delivery truck frequency once operations begin

### 10.4. Political and Legislative

- **HB 2014 reform:** The 70/30 tax split, elimination of local zoning authority, and weakened reporting requirements are all legislative targets for the 2027 WV session. Tucker, Mason, and Jefferson County groups are coordinating.
- **Governor Morrisey:** Formal public comment during upcoming DEP rulemakings and legislative interim committee hearings is a direct venue to address the

administration's failure to engage meaningfully.

- **National press:** Pitch to Washington Post, Reuters, AP, and ProPublica. The Hanshaw story (legislator-to-company-attorney pipeline), the Western Pocahontas secret land deal, and the AQB's own admission about permit limits are national-caliber stories.
- **NGO coordination:** Engage Appalachian Voices, National Parks Conservation Association (for Dolly Sods/Canaan), and national Sierra Club for lobbying and media amplification.
- **Community forums:** Hold regular public meetings in Davis and Thomas to keep community informed; encourage Tucker County Commission to pass resolutions requesting EPA and federal congressional review.

### 10.5. Once Operational: Monitoring

- Permit requires emissions reporting; immediately request and analyze all quarterly and annual reports once the facility is operational
- Stack testing results will be the critical first evidence of whether the facility can actually meet its permit limits; prepare for rapid legal response if they exceed thresholds
- Advocate for WV Department of Health to establish an air quality baseline monitoring network in Tucker County *before* operations begin, so post-startup comparisons are possible
- Request WVDEP install continuous ambient monitors in Thomas and Davis

## 11. Key Contacts and Organizations

| Organization | Role / Relevance |
|---|---|
| **Tucker United** | Primary community coalition opposing project; executive director Amy Margolies |
| **WV Highlands Conservancy** | Environmental legal and technical support; interim director Olivia Miller |
| **Sierra Club WV** | Appellants in AQB and ICA cases; conservation chair Jim Kotcon |
| **Friends of Blackwater** | Coalition member; watershed protection focus |
| **WVDEP Division of Air Quality** | Permit-issuing agency; FOIA target for unredacted documents |
| **WV Air Quality Board** | Upheld permit Feb 5, 2026; stack testing condition |
| **WV ICA** | Current appeals venue (cases 26-ICA-92 and 25-ICA-391) |
| **WV Supreme Court** | May receive cases directly per Fundamental Data's jurisdictional motion |
| **WV Ethics Commission** | Target for Hanshaw conflict-of-interest complaint |
| **EPA Region 3** | Federal oversight; potential PSD enforcement; Class I area review authority |
| **Sen. Sheldon Whitehouse** | Senate EPW inquiry co-signer; ongoing federal interest |
| **Sen. Martin Heinrich** | Senate EPW inquiry co-signer |
| **Sen. Chris Van Hollen** | Senate EPW inquiry co-signer; Maryland constituent impacts |

## 12. Public Messaging Toolkit

The following are verified, source-backed statements suitable for public communications. All claims are directly supported by official documents cited in this report.

> **Core message:** WVDEP permitted a 785 MW gas plant with 30 million gallons of diesel storage near Dolly Sods Wilderness in Tucker County, WV. All power goes to a private data center. No air dispersion modeling was done. No water permit was filed. The regulating board admitted the plant "greatly exceeds" its own permit limits. The

> WV House Speaker who wrote the deregulatory law is now the company's own attorney. #RidgelineProject #WVPolitics

> **Health message:** A Harvard School of Public Health study found that the Ridgeline power plant would cause 1–2 additional deaths per year and $19–35 million in annual health costs, exposing 250,000 people to increased soot pollution. WVDEP didn't require any air modeling before issuing the permit. #WVHealth #RidgelineProject

> **Conflict message:** The WV House Speaker wrote the law stripping local communities of control over data centers. Two days after the legislative session ended, he filed court papers as the data center developer's own attorney. Two appellate judges have since recused because of their ties to his law firm. This is what regulatory capture looks like. #WVPolitics #Transparency

> **Diesel/truck message:** The Ridgeline permit allows 15 million gallons of diesel per year — up to 85 tanker trucks per day on WV roads if running at capacity. The permit imposes *no limits* on diesel truck emissions or road impacts. WVDEP classified this as "small" losses. #RidgelineProject #WVDEP

## 13. Open Questions and Known Limitations

- **Investor identity:** The deep research dossier identifies Fundamental Data as a "$50M VC-backed company"; specific investor identities and funding sources have not been publicly confirmed in available records. FOIA or SEC searches may clarify.
- **Water permit:** No water withdrawal permit has been found in public databases. This gap must be confirmed via direct WVDEP/WVDNR inquiry, not assumed.
- **Land records:** The purchase-sale agreement date (Jul 19, 2024) is from regulatory filings; actual recorded deed transfers have not been independently verified in Tucker County clerk records.
- **Grid connection:** The Valley North 765kV transmission project is in planning; no confirmed connection to Ridgeline has been documented. PJM/FERC interconnection queue should be searched.
- **Future phases:** Solar, nuclear, and Phase 2/3 gas plant are stated company plans but no permits have been filed; treat as aspirational until regulatory filings exist.

- **ICA appeal outcomes:** Pending; this report cannot predict the result. Additional legal venues (WV Supreme Court, federal court) may be required depending on rulings.
- **Economic claims:** The developer's estimates of 5,000 construction jobs and $27M annual tax revenue are unverified projections. No guaranteed local hire, wage floor, or tax abatement disclosure has been made public.

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This investigative dossier was compiled from WVDEP permit records (R13-3713), WV Air Quality Board filings and decisions, WV Intermediate Court of Appeals filings, U.S. Senate correspondence, Harvard T.H. Chan School of Public Health Dominici Lab research, WV Legislature records, court filings, and reporting by Country Roads News, WV Gazette-Mail, WV Public Broadcasting, WV MetroNews, Parsons Advocate, WV Watch, WV Record/Legal News Line, WBOY, and Tucker Transparency (tuckertransparency.org). Updated through May 17, 2026. All statements are attributed and sourced. No proprietary or confidential information is reproduced.